

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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**DRIVER OPPORTUNITY PARTNERS  
I, LP,**

*Plaintiff,*

v.

**AMERISERV FINANCIAL, INC.,**

*Defendant.*

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Civ. A. No: 3:22-CV-237-SLH

**PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56, Plaintiff, Driver Opportunity Partners I, LP (“Driver” or “Plaintiff”), through its undersigned counsel, respectfully moves for summary judgment on all claims in the Amended Complaint, to enforce Plaintiff’s right to inspect corporate records under 15 Pa. C.S. § 1508(c), for an award of attorneys’ fees and costs incurred in connection with this action and for further relief as the Court deems just. The succinct grounds for this Motion are that Driver (a) is a shareholder of AmeriServ Financial, Inc. (the “Corporation”), (b) has served three written verified demands on the Corporation to inspect the shareholder list and other specific categories of books and records of the Corporation, and (c) has stated proper purposes for its demands reasonably related to Driver’s interests as a shareholder.

The Corporation has refused to permit Driver to inspect any of the requested information. Under Section 1508(c), the Court may summarily order the Corporation to permit a shareholder to inspect the shareholder list and the other requested books and records of the Corporation. Driver respectfully requests that the Court do so here and award Driver its attorneys’ fees and costs incurred in connection with this action, or at a minimum require the incumbent Board to pay the

amount of such fees and costs to the Corporation. In further support of its Motion, Driver is contemporaneously submitting a concise statement of material facts, a supporting memorandum of law, an appendix, a declaration, and a proposed order.

Respectfully submitted,

Date: March 31, 2023

/s/ Thomas V. Ayala  
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